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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,858	06/29/2001	Masayuki Nakagawa	16869S-027800US	5856

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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3692

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,858

Applicant(s)

NAKAGAWA ET AL.

Examiner

Nga B. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on August 21, 2006, which paper has been placed of record in the file.
2. Claims 1-11 are pending in this application.

### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of new ground of rejection.
4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawan et al, (hereinafter Kawan), U.S. Patent No. 6,978,250.

Regarding to claim 1, Kawan discloses a settlement system connected to user terminals for settling a transaction made between users, comprising;

storage means for storing user identification information for identifying each user, data representative of each of securities possessed by each user, and a coefficient for calculating a value of each of the securities, respectively in correspondence with each other (figure 3; column 6, lines 25-40 and column 63-67, system manager 8 maintains database 10 which stores a list of members 12, members' accounts 17, merchants' accounts 23; column 7, line 65-column 8, line 10, system manager 8 debits the funding source of the member 12 in the full amount of the purchase, credits the sponsoring organization 8 with a percentage of the full price, such as 5 to 10 percent, credits the merchant's account 23 with the balance remaining, such as 80 to 90 percent);

reception means for receiving settlement request information from a user

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terminal of a debtor of a transaction, the settlement request information including the user identification information of the debtor of the transaction, the user identification information of a creditor of the transaction, and payment money amount information representative of a money amount to be paid from the debtor to the creditor (column 7, lines 45-67 and column 8, lines 45-55, system manager 8 receives transaction request from the merchant terminal 24, transaction request includes member account number, merchant name and amount); and

settlement apparatus, said settlement apparatus configured to derive securities data of the debtor from the securities data stored in said storage means, in accordance with the user identification information of the debtor contained in the settlement request information, said settlement apparatus further configured to select each of the securities data in accordance with the derived securities data, the coefficient corresponding to the derived securities data, and the money amount to be paid, and said settlement apparatus further configured to store the selected securities data in correspondence with the user identification information of the creditor (column 7, line 65-column 8, line 10, system manager 8 debits the funding source of the member 12 in the full amount of the purchase, credits the sponsoring organization 8 with a percentage of the full price, such as 5 to 10 percent, credits the merchant's account 23 with the balance remaining, such as 80 to 90 percent).

Regarding to claim 2, Kawan further discloses a judging unit for comparing charge data received from the user terminal of the creditor with the settlement request data, and if the comparison result indicates a coincidence, deriving the securities data of

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the creditor from said storage means (column 7, lines 50-55, system manager 8 confirms the merchant number to see if the merchant is valid and the member's account is sufficient).

Regarding to claim 3, Kawan further discloses a particulars generator unit for generating settlement particulars data in accordance with a result of settlement by said settlement means (column 8, lines 55-65, system manager 8 performs transaction settlement between member 12, organization 8, and merchant 2).

Regarding to claim 4, Kawan further discloses wherein the coefficient for calculating the value is a reduction rate for calculating a current value of a denomination of each of the securities (column 7, line 65-column 8, line 10, system manager 8 debits the funding source of the member 12 in the full amount of the purchase, credits the sponsoring organization 8 with a percentage of the full price, such as 5 to 10 percent, credits the merchant's account 23 with the balance remaining, such as 80 to 90 percent).

Regarding to claim 5, Kawan further discloses wherein a current value of a total denomination of the securities selected by said settlement means is equal to the money amount to be paid (column 8, line 55-column 9, line 5).

Claim 6 contains similar limitations found in claim 1 above, therefore, is rejected by the same rationale.

Claims 7, 8, 10,11 contain similar limitations found in claims 1-4 above, therefore, are rejected by the same rationale.

Regarding to claim 9, Kawan further discloses wherein a correspondence between the selected securities data and the user identification information of the creditor is notified to the user terminals of the debtor and creditor (column 7, lines 53-55, system manager 8 returns a signal back to the merchant 2, completing the transaction at the merchant's terminal 24).

### ***Conclusion***

7. Claims **1-11** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571) 272-6777.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
C/o Technology Center 3600  
Washington, DC 20231

Or faxed to:

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(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany  
Street, Alexandria, VA, First Floor (Receptionist).

A handwritten signature in cursive script that reads "Nga Nguyen".

NGA NGUYEN  
PRIMARY EXAMINER

November 7, 2006